

passing Senate bill No. 18, (relating to juries in felony cases) was adopted by the following vote:

YEAS—15.

Buchanan of Grimes,	Hightower,	Patton,
Buchanan of Wood,	Homan,	Powers,
Duncan,	Lair,	Terrell,
Gooch,	Lane,	Weatherred,
Henderson,	Martin of Navarro,	Wynne.

NAYS—7.

Burton,	Rainey,	Stubbs,
Cooper,	Ross,	Swain.
Houston,		

NOT VOTING—2.

Martin of Cooke.

Lightfoot,

House bill No. 91, entitled "An act to authorize the refunding of moneys paid into the General Land Office, under the provisions of 'an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve,' passed August 26, 1856; and the provisions of a supplemental act entitled 'an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Reserve, approved November 27, 1857,' in all cases wherein the State failed to patent the lands for which such moneys were paid, and to make an appropriation therefor," was taken up, read second time, and passed to third reading.

Senator Gooch entered a motion to reconsider the vote just taken.

Substitute for House bill No. 217, entitled "An act to validate certain notarial acts in the State of Texas," was taken up, read second time, and committee amendment adopted.

Senator Homan offered the following amendment: Or seals having the words "— county, Texas," instead of "county of —, Texas." Adopted, and bill passed to third reading.

House bill No. 310, entitled "An act to amend chapter 3, of title 15, of an act entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' approved February 21, 1879," was taken up, read second time and passed to third reading.

Senator Homan moved that the rules be suspended and the bill placed on its third reading. Adopted by the following vote:

YEAS—23.

Buchanan of Grimes	Homan,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Davenport,	Lair,	Stubbs,
Duncan,	Lane,	Swain,
Gooch,	Lightfoot,	Terrell,
Harris,	Martin of Cooke,	Weatherred,
Henderson,	Martin of Navarro,	Wynne.
Hightower,	Powers,	

NAYS—none.

NOT VOTING—3.

Burges,	Burton,	Patton
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Bill read third time.

Senator Martin of Cooke offered the following amendment: Strike out in section 1, after the word "therein," the words, "in all such causes." Adopted by the following vote:

YEAS—24.

Buchanan of Grimes	Henderson,	Patton,
Buchanan of Wood,	Homan,	Powers,
Burges,	Houston,	Rainey,
Cooper,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Duncan,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Weatherred,
Harris,	Martin of Navarro,	Wynne.

NAYS.

Hightower.

NOT VOTING—2.

Ross.

Bill passed by the following vote:

YEAS—23.

Buchanan of Grimes,	Henderson,	Martin of Navarro,
Buchanan of Wood,	Hightower,	Patton,
Burges,	Homan,	Powers,
Cooper,	Houston,	Stubbs,
Davenport,	Lair,	Terrell,
Duncan,	Lane,	Weatherred,
Gooch,	Lightfoot,	Wynne.
Harris,	Martin of Cooke,	

NAYS.

Swain.

NOT VOTING—3.

Burton,	Rainey,	Ross.
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Senator Patton moved that the House be requested to return House bill No. 576. Adopted.

Senator Stubbs moved to call up Senate bill No. 149, amending the charter of Galveston. Adopted unanimously. (Senator Cooper in the chair.)

Bill taken up and read second time.

On motion of Senator Homan, Senate adjourned till 9:30 A. M. to-morrow.

FIFTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, March 16, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Buchanan of Wood, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Buchanan of Grimes, chairman of Committee on Engrossed bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 190, "An act to amend an act entitled 'an act to amend section 46 of an act to encourage stockraising and for the protection of stockraisers, approved August 23, 1876, approved April 22, 1879;'"

Senate joint resolution No. 42, proposing to amend sections 3 and 4, of article 3, of the Constitution of the State of Texas, so as to make the terms of office of State Senators six years and of Representatives four years;

Senate bill No. 267, "An act to authorize the Governor to appoint a district attorney for the Fifteenth Judicial District;"

Substitute for Senate bill No. 18, "An act to amend articles 605 and 612, of chapter 2, title 8, of the Code of Criminal Procedure, entitled of the special venire in criminal cases;" and find the same correctly engrossed. BUCHANAN of Grimes, Chairman.

Senator Lane, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 266, "An act supplementary to 'an act to create the county of John Upton and define the boundaries thereof,' passed March 7, 1881," have considered the same, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Finance Committee to whom was referred House bill No. 519, "An act to provide for the cancellation of the sales of lands situated in unorganized counties, in cases where sales have been made in error by the Comptroller, and for the relief of purchasers

thereof," have had the same under consideration, and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Bill read first time.

Senator Rainey, chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 268, entitled, "An act establishing and prescribing the manner of ascertaining the boundaries of counties," have considered the same, and instruct me to report the same back to the Senate with the recommendation that it lie on the table as Senate bill No. 145, introduced February 8, 1881, embraces the same subject matter.

RAINEY, Chairman.

Bill read first time.

Senator Buchanan of Grimes introduced a bill entitled "An act to amend articles 4271 and 4272, chapter 12, title 84, Revised Civil Statutes, relating to inspection of railroads." Referred to Committee on Internal Improvements.

Senator Lane, chairman of committee of free conference, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 15, 1881.

Hon. L. J. Storey, President of the Senate, and Hon. Geo. R. Reeves, Speaker of the House of Representatives:

Your committee of free conference on the differences between the two houses arising upon the amendments of the Senate to House bill No. 483, entitled "An act to amend articles 4662 and 4664, of chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879," would respectfully submit for adoption the following, viz:

First—We agree that the House concur in the first Senate amendment.

Second—That Senate recede from second Senate amendment.

Third—That the Senate's third amendment be amended by striking out "seventy-five cents" and inserting "one dollar" therefor, and, as amended, be concurred in.

Fourth—That the Senate's fourth amendment be amended as follows: Strike out on page 13, line 13, all of the proviso after the word "tax" down to and including the word "credit," on line 1, page 14; and amend on page 2, thirtieth line thereof, after the word "nurseries," by inserting the following: "provided further, that every commercial traveler, drummer, salesman or solicitor of trade, before he solicits for orders or makes any sale of any article whatever in any county of this State, shall file with the county clerk of such county the Comptroller's receipt for the occupation tax herein prescribed, and the clerk shall immediately record such receipt, and return the same to such commercial traveler, drummer, salesman or solicitor of trade, on his payment of a fee of twenty-five cents therefor; and every commercial traveler, drummer, salesman or solicitor of trade, who shall solicit orders or make any sales in any county in this State without first having the receipt of the Comptroller for his occupation tax duly recorded as herein prescribed, shall be deemed guilty of a misdemeanor and fined in any sum not less than twenty-five nor more than one hundred dollars."

Amend line 1 on page 6, by striking out "ten dollars," and inserting therefor, "five dollars." All of which is respectfully submitted for adoption.

E. R. LANE, Chairman,
MARION MARTIN,
WM. W. WEATHERED,
L. S. ROSS,
J. M. MARTIN,
Senate Committee.
W. H. KING, Chairman,
J. E. GRAY,
F. M. DAUGHERTY,
JAMES C. GAITHER,
A. P. WURZBACH,
House Committee.

On motion of Senator Martin of Navarro, the report of the committee was adopted.

Senator Martin of Cooke, chairman of Committee on Public Lands, by leave, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 11, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands have carefully examined House bill No. 266, "An act to authorize the Commissioner of the General Land Office to approve the bounty land warrant for nineteen hundred and twenty acres of land, issued on the twenty-fifth day of November, 1846, by William G. Cooke, Adjutant-General, to the heirs of William N. French," have considered the same, and instruct me to report the same with the recommendation that it do pass.

MARTIN of Cooke, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 427, "An act to provide for designating and setting apart three hundred leagues of land, out of the unappropriated public domain, for the benefit of the unorganized counties of the State, and to provide for the location and survey of the same," have considered the same, and I am instructed by a majority of the committee to report the bill back with the recommendation that it do pass.

MARTIN of Cooke, Chairman.

Bill read first time.

Senate bill No. 149, entitled "An act to amend sections 87, 96, 97, 98, 99, 127, 131 and 132, of 'an act to incorporate the city of Galveston and to grant a new charter,' approved August 2, 1876," was taken up as unfinished business.

Senator Stubbs offered the following amendment: Substitute for section 10 the following:

Section 10. It being important that the city of Galveston should have the power to at once enforce the speedy collection of its taxes, to improve its streets and to issue bonds for the payment of its outstanding valid indebtedness, some of which powers do not exist and others are doubtful under its present character, an emergency is created that this act take effect and be in force from and after its passage, and it is so enacted; and the near approach of the close of the session, and the large amount of legislative business undisposed of, causes an imperative public necessity which justifies a suspension of the rule requiring this bill to be read on three several days, and it is so suspended.

Adopted and bill ordered engrossed.

On motion of Senator Stubbs, rules were suspended and bill placed on its third reading by the following vote:

YEAS—24.

Buchanan of Grimes,	Homan,	Powers,
Buchanan of Wood,	Houston,	Rainey,
Cooper,	Lair,	Ross,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Weathered,
Hightower,	Patton,	Wynne.

NAYS—none.

NOT VOTING—4.

Burges,	Gooch,	Martin of Cooke.
Burton,		

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan of Grimes,	Hightower,	Powers,
Buchanan of Wood,	Homan,	Rainey,
Burton,	Houston,	Ross,
Cooper,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Duncan,	Lightfoot,	Terrell,
Gooch,	Martin of Navarro,	Weathered,
Harris,	Moore,	Wynne.
Henderson,	Patton,	

NAYS—none.

NOT VOTING.

Martin of Cooke.

Substitute House bill No. 217, "An act to validate certain notarial acts in the State of Texas," was taken up as business on the President's table. Read third time and passed by the following vote:

YEAS—22.

Buchanan of Grimes	Hightower,	Powers,
Burton,	Houston,	Rainey,
Cooper,	Lair,	Ross,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,		

NAYS—none.

NOT VOTING—6.

Buchanan of Wood,	Homan,	Martin of Navarro,
Burges,	Martin of Cooke,	Terrell.

Senator Homan moved that the Senate go into executive session at 12:30 P. M., to-day, to consider the appointments of notaries public, that were deferred at the last executive session. Adopted unanimously.

On motion of Senator Davenport, Senate bill No. 215, "An act to legalize the sale of real estate, which belonged to Coleman county, situated in and near the town of Coleman, Coleman county, Texas," was taken up by unanimous consent. Read second time and bill ordered engrossed.

On motion of Senator Davenport, the rules were suspended and bill put on its third reading by the following vote:

YEAS—24.

Buchanan of Grimes	Hightower,	Patton,
Burton,	Homan,	Powers,
Cooper,	Houston,	Rainey,
Davenport,	Lair,	Ross,
Duncan,	Lane,	Stubbs,
Gooch,	Lightfoot,	Swain,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Moore,	Wynne.

NAYS—none.

NOT VOTING—4.

Buchanan of Wood,	Martin of Cooke,	Terrell.
Burges,		

Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Grimes	Homan,	Powers,
Burton,	Houston,	Rainey,
Cooper,	Lair,	Ross,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—3.

Buchanan of Wood,	Burges,	Martin of Cooke.
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House Bill No. 486, "An act to diminish the civil jurisdiction of the County Court of Bosque county, in this State, and conform the jurisdiction of the district court of said county to such change," was taken up and read second time.

Senator Lane offered the following amendment: Amend by inserting after the word "Bosque," wherever it occurs in the bill, "De Witt and San Patricio," and for "county" insert "counties." Adopted.

Senator Davenport offered the following amendment: Add a section properly numbered to read as follows:

Sec. 5. The prospect of early adjournment creates a necessity for the suspension of the rule requiring this bill to be read on three several days, and it is suspended; and the immediate public good to arise from its passage creates an emergency that this act take its effect from its passage, and it is so enacted.

Adopted.

Senator Powers offered the following: Amend by inserting the word "respectively" in the body of the bill, when necessary in the description of the counties transferred. Adopted, and bill passed to third reading.

On motion of Senator Davenport, rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

Buchanan of Grimes	Homan,	Powers,
Buchanan of Wood,	Houston,	Rainey,
Cooper,	Lair,	Ross,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—3.

Burges,	Burton,	Martin of Cooke.
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Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Hightower,	Patton,
Buchanan of Wood,	Homan,	Powers,
Cooper,	Houston,	Rainey,
Davenport,	Lair,	Ross,
Duncan,	Lane,	Swain,
Gooch,	Lightfoot,	Terrell,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Moore,	Wynne.

NAYS—none.

NOT VOTING—4.

Burges,	Martin of Cooke,	Stubbs.
Burton,		

Senator Buchanan of Wood, chairman of Committee on Education, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 252, have considered the same, and I am instructed to report recommending its passage. The bill seeks to amend chapter 11, title 17 of the Revised Civil Statutes, so that towns and villages with a population of more than two hundred may be incorporated for free school purposes, without the necessity of having a general incorporation.

BUCHANAN of Wood, Chairman.

Bill read first time.

On motion of Senator Harris, Senate bill No. 145, "An act to amend sections 1, 4, 5, 6, 7 and 10 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved April 22, 1879," was taken up by unanimous consent, and read second time.

Senator Powers offered the following amendment: Amend by adding:

Section —. The near approach of the end of the session, and the press of the public business, and the necessity of having a law in force at once for ascertaining the boundaries of the counties of this State, creates an imperative public necessity and an emergency for the suspension of the Constitutional rule, which requires that all bills shall be read on three several days, and the same is hereby suspended; and it is hereby enacted that this act be in force from and after its passage.

Adopted and bill ordered engrossed.

On motion of Senator Powers, rules were suspended and bill placed on its third reading, by the following vote:

YEAS—26.

Buchanan of Wood,	Homan,	Powers,
Burton,	Houston,	Rainey,
Cooper,	Lair,	Ross,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Cooke,	Terrell,
Harris,	Martin of Navarro,	Weatherred,
Henderson,	Moore,	Wynne.
Hightower,	Patton,	

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes	Burges.
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Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Wood,	Cooper,	Gooch,
Burton,	Davenport,	Harris,

Hightower, Henderson, Homan, Houston, Lair, Lane, Lightfoot,	Martin of Cooke, Martin of Navarro, Moore, Patton, Powers, Rainey, Ross,	Stubbs, Swain, Terrell, Weatherred, Wynne
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NAYS—none.
NOT VOTING—3.

Buchanan of Grimes	Burges,	Duncan.
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On motion of Senator Houston, Senate joint resolution No. 42, "Proposing to amend sections 3 and 4 of article 3 of the Constitution of the State of Texas, so as to make the terms of office of State Senators six years, and of Representatives four years," was taken up by unanimous consent.

Senator Martin of Navarro offered the following amendment: Amend by striking out "section 4."

Senator Lair moved to lay the resolution and amendment on the table. Lost by the following vote:

YEAS—9.

Cooper, Duncan, Henderson,	Lair, Lightfoot, Martin of Cooke,	Martin of Navarro, Ross, Swain.
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NAYS—17.

Buchanan of Grimes, Buchanan of Wood, Burges, Burton, Davenport, Gooch,	Harris, Hightower, Homan, Lane, Moore, Powers,	Rainey, Stubbs, Terrell, Weatherred, Wynne.
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NOT VOTING—2.

Houston,	Patton.
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Senator Duncan moved the previous question. Motion seconded and main question ordered.

The amendment of Senator Martin of Navarro was lost by the following vote:

YEAS—13.

Buchanan of Grimes, Burges, Cooper, Duncan, Henderson,	Lair, Lightfoot, Martin of Cooke, Martin of Navarro,	Moore, Patton, Ross, Swain.
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NAYS—15.

Buchanan of Wood, Burton, Davenport, Gooch, Harris,	Hightower, Homan, Houston, Lane, Powers,	Rainey, Stubbs, Terrell, Weatherred, Wynne.
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Resolution lost by the following vote, it requiring two-thirds to pass it:

YEAS—16.

Buchanan of Grimes, Buchanan of Wood, Burton, Davenport, Gooch, Harris,	Hightower, Homan, Houston, Lane, Powers,	Rainey, Stubbs, Terrell, Weatherred, Wynne.
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NAYS—12.

Burges, Cooper, Duncan, Henderson,	Lair, Lightfoot, Martin of Cooke, Martin of Navarro,	Moore, Patton, Ross, Swain.
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Senator Lane moved to call up Senate bill No. 220, "An act for the relief of W. S. Booth, S. F. Grimes and Maria Leftridge." Adopted unanimously, and bill taken up and read second time and ordered engrossed.

On motion of Senator Lane, rules were suspended to put bill on its third reading by the following vote:

YEAS—23.

Buchanan of Grimes, Burton, Cooper, Duncan, Gooch, Harris, Henderson, Hightower,	Homan, Lair, Lane, Lightfoot, Martin of Cooke, Martin of Navarro, Moore, Powers,	Rainey, Ross, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.
NOT VOTING—5.

Buchanan of Wood, Burges,	Davenport, Houston,	Patton.
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Bill read third time and passed by the following vote:

YEAS—29.

Buchanan of Grimes, Burges, Burton, Cooper, Davenport, Duncan, Gooch, Harris, Henderson,	Hightower, Homan, Houston, Lair, Lane, Lightfoot, Martin of Cooke, Martin of Navarro, Moore,	Powers, Rainey, Ross, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS.

Patton.

NOT VOTING.

Buchanan of Wood.

Senator Terrell, chairman of Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 33, entitled "An act to amend article 4752, title 95, of chapter 4, of the Revised Civil Statutes of the State of Texas," have considered the same and instruct me to report the bill with the recommendation that it do pass.

The bill provides for advertising notices of tax sales in some newspaper published in the county, instead of posting such notices, as required by law.

TERRELL, Chairman.

Bill read first time.

On motion of Senator Terrell, the bill just reported, being House bill No. 33, "An act to amend article 4752, title 95, chapter 4, of the Revised Statutes of the State of Texas," was taken up by unanimous consent.

On motion of Senator Terrell rules were suspended, and bill placed on its second reading by the following vote:

YEAS—27.

Buchanan of Grimes, Burges, Burton, Cooper, Davenport, Duncan, Gooch, Harris, Henderson,	Hightower, Homan, Houston, Lair, Lane, Lightfoot, Martin of Cooke, Martin of Navarro, Moore,	Patton, Powers, Rainey, Ross, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING

Buchanan of Wood.

Bill read second time, and passed to the third reading.

On motion of Senator Martin of Cooke, rules were suspended to place bill on its third reading, by the following vote:

YEAS—27.

Buchanan of Grimes, Buchanan of Wood, Burges, Burton, Cooper, Davenport, Duncan, Gooch, Harris,	Henderson, Hightower, Homan, Houston, Lair, Lane, Lightfoot, Martin of Cooke, Moore,	Patton, Powers, Rainey, Ross, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING.

Martin of Navarro.

Bill read third time and passed by the following vote:

YEAS—25.

Buchanan of Grimes, Buchanan of Wood, Burges, Davenport,	Duncan, Gooch, Harris, Henderson,	Hightower, Houston, Lair, Lane,
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Lightfoot,
Powers,
Rainey,
Ross,
Stubbs,

Martin of Cooke,
Martin of Navarro,
Moore,
Patton,
Swain,

Terrell,
Weatherred,
Wynne.

NAYS.

Homan.

NOT VOTING—3.

Cooper.

Burton,

A message was received from the House returning to the Senate according to request, House bill No. 576, and announcing the passage by that body of House bill No. 566, "An act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881, and for previous years.

The President referred House bill No. 566, just reported, to the Finance Committee.

On motion of Senator Duncan, the Finance Committee were authorized to have 200 copies of House bill No. 566, and their report upon it, printed for the use of the Senate.

Senator Duncan, by leave, presented a petition of citizens of Longview asking the repeal of their city charter; also a protest from other citizens of Longview against the repeal of the charter of said city.

On motion of Senator Burges, Senate bill No. 266, "An act supplementary to an act to create the county of John Upton and define the boundaries thereof, passed March 7, 1881," was taken up by unanimous consent.

On motion of Senator Burges, rules were suspended and bill placed on its second reading by the following vote:

YEAS—27.

Buchanan of Wood,
Burges,
Burton,
Cooper,
Davenport,
Duncan,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lane,
Lightfoot,
Martin of Cooke,
Martin of Navarro,
Moore,

Patton,
Powers,
Rainey,
Ross,
Stubbs,
Swain,
Terrell,
Weatherred,
Wynne.

NAYS—none.

NOT VOTING.

Buchanan of Grimes.

Bill read second time.

Senator Powers moved to lay the bill on the table indefinitely. Withdrawn temporarily.

Senator Powers renewed his motion to lay the bill on the table. Adopted, and bill tabled indefinitely by the following vote:

YEAS—16.

Davenport,
Duncan,
Gooch,
Harris,
Hightower,
Homan,

Houston,
Lair,
Lightfoot,
Martin of Cooke,
Martin of Navarro,

Powers,
Ross,
Stubbs,
Swain,
Terrell.

NAYS—9.

Buchanan of Grimes,
Burges,
Henderson,

Lane,
Moore,
Patton,

Rainey,
Weatherred,
Wynne.

NOT VOTING—3.

Buchanan of Wood,

Burton,

Cooper.

Senator Houston entered on the journal the following reasons for his vote on the motion to table:

I vote for the motion of the Senator from Cameron, because he represents all of the territory to be affected by the bill, and I take it for granted that he knows what is best for his own constituents.

HOUSTON.

On motion of Senator Homan, Senate bill No. 252, "An act to amend chapter 11, title 17, of the Revised Civil Statutes of the State of Texas, so that towns and villages may be incorporated for free school purposes only," was taken up by unanimous consent.

On motion of Senator Homan, rules were suspended to

place the bill on its second reading, by the following vote:

YEAS—24.

Buchanan of Grimes,
Buchanan of Wood,
Burges,
Davenport,
Duncan,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Houston,
Lair,
Lane,
Lightfoot,
Martin of Cooke,
Martin of Navarro,

Moore,
Powers,
Rainey,
Ross,
Stubbs,
Swain,
Weatherred,
Wynne.

NAYS—none.

NOT VOTING—4.

Burton,
Cooper,

Patton,

Terrell.

Bill read second time and passed to third reading.

On motion of Senator Homan, rules were suspended and bill placed on its third reading by the following vote:

NAYS—22.

Buchanan of Wood,
Cooper,
Davenport,
Duncan,
Gooch,
Henderson,
Hightower,
Homan,

Lair,
Lightfoot,
Martin of Cooke,
Martin of Navarro,
Moore,
Patton,
Powers,

Rainey,
Ross,
Stubbs,
Swain,
Terrell,
Weatherred,
Wynne.

NAYS—none.

NOT VOTING—6.

Buchanan of Grimes,
Burges,

Burton,
Harris,

Houston,
Lane.

Bill read third time and passed by the following vote:

YEAS—23.

Buchanan of Grimes,
Buchanan of Wood,
Cooper,
Davenport,
Duncan,
Gooch,
Harris,
Henderson,

Hightower,
Homan,
Lair,
Lightfoot,
Martin of Navarro,
Martin of Cooke,
Moore,
Powers,

Rainey,
Ross,
Stubbs,
Swain,
Terrell,
Weatherred,
Wynne.

NAYS—none.

NOT VOTING—5.

Burges,
Burton,

Houston,
Lane,

Patton.

The following message was received from the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE, }
March 16, 1881. }

To the Honorable Senate in the Legislature assembled:

I herewith respectfully submit the following additional names for notaries public for confirmation by your honorable body:

John F. Golding, new appointment, in Johnson county.

H. W. Bruner, new appointment, in Houston county.

R. L. Bassett, new appointment, in Washington county.

Thomas H. Spooner, new appointment, in Gonzales county.

Enoch M. Steen, new appointment, in Gonzales county.

A. M. Belvin, new appointment, in Parker county.

J. V. Birdwell and William Parris, new appointments, in Nacogdoches county.

Wm. Weddington, new appointment, in Clay county.

J. C. Hutchison, new appointment, in Cass county.

J. B. Davis, new appointment, in Camp county.

And by way of correction of the list sent up for Bell county the name of J. N. Gray should be Joseph L. Gray.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Homan moved that the appointments made by the Governor in the message just read be considered to-day in executive session. Adopted unanimously.

The hour having arrived, the Senate went into executive session.

IN SENATE.

On motion of Senator Duncan, the results of the executive session just held were ordered to be printed in the journal, and the Governor informed of the same.

The confirmations of the Senate will appear in a corrected list of all the notaries confirmed, that is being prepared.

On motion of Senator Gooch, Senator Henderson was excused indefinitely after the twentieth instant.

Senator Patton moved to take up House bill No. 576, "An act to provide for the change of time of holding the terms of the District Court of Gonzales county." Bill taken up by unanimous consent.

Senator Patton moved to reconsider the vote passing said bill. Adopted.

Senator Patton offered the following amendment: Amend by striking out sections 3 and 4, and inserting instead thereof the following:

WHEREAS, the term of the District Court of Gonzales county, under the law as it now exists, will soon commence, and at a time when it will occasion great trouble and inconvenience to the farming communities of said county, therefore there exists an emergency and imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill go into effect from and after its passage; and it is so enacted.

Adopted, and bill passed by the following vote:

YEAS—27.

Buchanan of Grimes	Henderson,	Moore,
Buchanan of Wood,	Hightower,	Patton,
Burges,	Homan,	Powers,
Burton,	Houston,	Rainey,
Cooper,	Lair,	Ross,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Weathered,
Harris,	Martin of Navarro,	Wynne.

NAYS—none.

NOT VOTING.

Swain.

Senator Terrell, by leave, introduced a bill entitled "An act to provide means by which counties may build bridges or buy bridges already built." Referred to Committee on Roads and Bridges.

The following message was received from the Governor:

THE STATE OF TEXAS, EXECUTIVE OFFICE,
AUSTIN, March 15, 1881.

To the Honorable, the Senate and House of Representatives, in the Legislature assembled:

I herewith respectfully transmit the following captions of the bills passed at the present session, which have been approved up to this date and filed in the office of the Secretary of State.

Respectfully submitted,

O. M. ROBERTS, Governor.

CAPTIONS OF BILLS PASSED BY THE SEVENTEENTH LEGISLATURE.

Senate bill No. 8, An act making an appropriation for the mileage and per diem pay of the members and per diem pay of the officers and employees of the Seventeenth Legislature. Approved January 17, 1881.

Senate bill No. 9, An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature. Approved January 24, 1881.

House bill No. 11, An act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof. Approved February 5, 1881.

House bill No. 13, An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State may redeem the same. Approved February 5, 1881.

Senate bill No. 4, An act to repeal article four hundred and fifty-one (451), chapter six (6), of title seventeen (17), of "an act to adopt and establish the Revised Civil Statutes of the State of Texas." Approved February 5, 1881.

House bill No. 46, An act to amend section one of "an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this State, and conform the jurisdiction of the district courts of said counties to such change, approved March 27, A. D. 1870." Approved February 9, 1881.

Senate bill No. 60, An act to amend an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof; approved July 9, 1879. Approved February 9, 1881.

Senate bill No. 46, An act to amend article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas. Approved February 19, 1881.

House bill No. 112, An act authorizing the county commissioners' courts of the several counties of this State to issue bonds for the erection of a court house and to levy a tax to pay for the same. Approved February 11, 1881.

Senate bill No. 38, An act to amend article 3812, title 79, of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature, February 21, 1879. Approved February 11, 1881.

House bill No. 286, An act to make an appropriation for the pay of assistant clerks in the Comptroller's Office for the month of February, 1881. Approved February 11, 1881.

Senate bill No. 73, An act defining who are officers of this State and prescribing their rights, powers, duties and privileges. Approved February 15, 1881.

House bill No. 202, An act to reorganize the Tenth Judicial District and to establish the Thirty-fifth Judicial District, and prescribe the time of holding terms of court therein, and providing for the appointment of a district attorney and a district judge for the Thirty-fifth Judicial District, and district attorney for the Tenth Judicial District. Approved February 15, 1881.

Senate bill No. 14, An act to establish a rule governing the defense of intoxication and of temporary insanity produced by the voluntary recent use of ardent spirits in criminal causes in this State. Approved February 17, 1881.

Senate bill No. 31, An act to amend article 1547 of the Revised Civil Statutes, passed February 21, 1879. Approved February 17, 1881.

Senate bill No. 155, An act to reorganize the Twenty-fifth Judicial District of the State of Texas, and to provide the times for holding the district courts therein. Approved February 24, 1881.

Senate bill No. 104, An act prescribing the times for holding terms of the county courts for criminal business in Grayson and Dallas counties. Approved February 24, 1881.

House bill No. 345, An act to create the Thirty-fourth Judicial District and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein. Approved February 25, 1881.

House bill No. 51, An act to diminish the civil and criminal jurisdiction of the County Courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMillan, Medina, Frio, Dimmitt, La Salle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and conform the jurisdiction of the district and justices' courts of said counties to such change. Approved February 25, 1881.

Senate bill No. 164, An act validating the proceedings of the County Court of Jasper county. Approved February 25, 1881.

Senate bill No. 202, An act to provide for the payment of the interest due on the public debt March 1, 1881. Approved February 26, 1881.

Senate bill No. 139, An act to amend an act entitled "an act to change and define the times of holding the terms of district court in the Fifth Judicial District of the State of Texas;" passed by the Sixteenth Legislature and approved April 23, 1879, so that the same shall hereafter read as follows. Approved February 26, 1881.

Senate bill No. 32, An act regulating the removal of the disabilities of minors. Approved March 2, 1881.

House bill No. 26, An act to amend chapter 3, of title 17, of the Penal Code of Texas by adding after article 683, article 683a. Approved March 5, 1881.

House bill No. 4, An act to amend articles 364 and 365 of an act entitled "an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas;" presented to the Governor for his approval on February 27, 1879. Approved March 5, 1881.

Senate bill No. 2, An act to repeal article 2234 of an act entitled "an act to adopt and establish the Revised Civil Statutes of the State of Texas;" passed by the Sixteenth Legislature. Approved March 9, 1881.

Senate bill No. 44, An act to amend article 375, chapter 4, of title 17, of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over streets, alleys and public grounds. Approved March 9, 1881.

House bill No. 431, an act to amend section 11 of an act entitled, "an act to protect the wool growing interest of the State of Texas;" approved March 25, 1879. Approved March 9, 1881.

Substitute House bill No. 235, An act to amend sections 1, 3, 5 and 7 of an act entitled, "an act to protect the wool growing interests of the State of Texas;" approved March 25, 1879. Approved March 9, 1881.

Substitute House bill No. 424, "An act to authorize and require the Commissioner of the General Land Office to issue certificates for one league of land to the heirs of Moses Herrin." Approved March 9, 1881.

House bill No. 365, an act to amend sections 23 and 31 of an act entitled, "an act amendatory of and supplemental to an act entitled, 'an act to consolidate in one act and amend the several acts

incorporating the city of Houston, in Harris county;" approved April 21, A. D. 1879. Approved March 9, 1881.

Substitute House bill No. 807, "An act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters; to fix the rate of occupation tax upon all persons, firms or associations of persons, engaged in the sale of spirituous, vinous or malt liquors or dedicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act." Approved March 11, 1881.

House bill No. 227, An act to amend articles 3824 and 3825, title 70, of the Revised Civil Statutes of the State of Texas, and to add thereto article 3825a and 3825b, and to create Clay, Baylor, Wheeler and Oldham county land district. Approved March 11, 1881.

House bill No. 223, An act to amend sections 1 and 6 of "an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," passed at the special session of the Sixteenth Legislature. Approved March 11, 1881.

House bill No. 505, An act to release certain inhabitants in the town of Savoy, county of Fannin, from the payment of taxes assessed and now due for the year A. D. 1880, in consequence of a great public calamity. Approved March 11, 1881.

House bill No. 435, An act to amend article 3971, chapter 11, of the Revised Civil Statutes, providing for the disposal of certain lands known as the Indian reservations, and to repeal articles 3972, 3973, 3974, 3975 and 3976 of the Revised Statutes upon the same subject. Approved March 11, 1881.

Senate bill No. 153, An act to be entitled an act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879. Approved March 11, 1881.

House bill No. 385, An act to repeal "an act to diminish the civil jurisdiction of the County Court of Navarro county, and to conform the jurisdiction of the District Court of said county to such change," approved July 2, A. D. 1879, and to prescribe the jurisdiction of said county court. Approved March 12, 1881.

No. 1, concurrent resolution, allowing room in Capitol building for Western Union Telegraph Office. Approved January 17, 1881.

Senate joint resolution No. 4, Joint resolution regarding the port of Galveston. Approved January 24, 1881.

House joint resolution No. 11, Joint resolution granting leave of absence to the Hon. Jos. Abbott, Judge of the Twenty-eight Judicial District. Approved February 9, 1881.

Senate joint resolution No. 34, Joint resolution instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draft of water on the bars of Brazos de Santiago, Aransas, Sabine Pass, Pass Cavallo and the mouth of Brazos and Buffalo Bayou, in the State of Texas. Approved February 12, 1881.

House joint resolution No. 39, Joint resolution authorizing the Governor to employ a suitable and competent architect, or architects, to assist the Board of Commissioners appointed to superintend the construction of a new capitol, and to provide for the payment of his services. Approved February 15, 1881.

Substitute House bill Nos. 329 and 339, An act to amend articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create article 426j, and to repeal article 430, chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game. Approved March 15, 1881.

House bill No. 282, An act to amend article 1974, and to establish article 1802a and 1822a, of the Revised Civil Statutes of the State of Texas, concerning estates of deceased persons. Approved March 15, 1881.

House bill No. 35, An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879. Approved March 15, 1881.

Senate bill No. 72, An act to procure from the publishing house owning the copyrights certain volumes of the early reports of the Supreme Court of the State, and to make an appropriation therefor. Approved March 15, 1881.

Senate bill No. 208, An act to diminish the civil and criminal jurisdiction of the County Courts of Grimes, Montgomery and Karnes counties, and to conform the jurisdiction of the districts courts of said counties to such change. Approved March 15, 1881.

Senate bill No. 181, An act to prescribe the times of holding the District Courts in the counties of the Thirteenth Judicial District. Approved March 15, 1881.

Senate bill No. 12, An act to amend articles 111 and 112, of chapter 5, of an act entitled, "an act to adopt and establish a Penal Code and a Code of Criminal Procedure, for the State of Texas," passed at the regular session, A. D. 1879. Approved March 15, 1881.

Senate bill No. 181, An act granting a land certificate of twelve

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hundred and eighty (1280) acres to each of the surviving soldiers of the Texas Revolution, and the surviving signers of the Declaration of Texas Independence, and to the widows of those that fell at the Dawson massacre, and to repeal an act approved April 26, 1879, entitled, "an act granting a land certificate of six hundred and forty acres to each of the indigent veterans who were engaged in the struggle for Texas Independence, prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876. Approved March 15, 1881.

The President, after reading captions, signed:

House joint resolution No. 37, "proposing an amendment to sections 2, 3, 5, 6 and 8, of article 5, of the Constitution of the State of Texas."

House joint resolution No. 48, "granting the Honorable G. B. Gerald, Judge of the County Court of McLennan county, sixty days leave of absence from the State."

House bill No. 521, "An act to provide for the organization of the State penitentiaries, and for the more efficient management of the same."

House bill No. 267, "An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas."

Also, House bill No. 211, "An act to detach 5334 acres from Hill county, and attach the same to Johnson county, and define the line between said counties."

Senator Cooper moved to take up House bill No. 39, entitled "An act to amend article 507, of title 7, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to towns and villages." Adopted unanimously, and bill taken up.

Senator Gooch offered the following amendment: Strike out the caption and insert:

An act to amend article 506, chapter 11, title 17, and create article 340a, chapter 1, of said title of the Revised Civil Statutes of the State of Texas, relating to cities, towns and villages."

Adopted.

Also, the following amendment: Strike out section 1 and insert article 506:

When a town or village may contain more than two hundred or less than ten thousand inhabitants, it may be incorporated as a town or village, in the manner prescribed in chapter 11, title 17, of the Revised Civil Statutes, and there is hereby created an article which shall read as follows:

Article 340a. When a city or town may contain one thousand inhabitants, or over, it may be incorporated as a city or town in the manner prescribed by chapter 11 of this title; *provided*, that an election shall be ordered on the application of fifty electors of such city or town; and, *provided further*, that when an election is held according to the provisions of said chapter 11, to be incorporated as a "city or town," the words "towns and villages" shall be construed to read "cities and towns."

Adopted, and bill passed to third reading.

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 149, "An act to amend sections 87, 96, 97, 98, 99, 127, 131 and 132, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876," and find the same correctly engrossed.

STUBBS, for the Committee.

Senator Homan moved to adjourn until 3:30 p. m.

Senator Duncan moved to adjourn until 9:30 A. M. tomorrow, in order that the committees might work this evening. Adopted.

FIFTY-SIXTH DAY.

SENATE CHAMBER, }
AUSTIN, March 17, 1881. }

Senate met pursuant to adjournment; President in the chair.